

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GABRIEL ROSA-DIAZ,
Plaintiff,

v.

MICHAEL OVERMYER, et al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 1:17-cv-200

Judge Susan Paradise Baxter

ORDER OF COURT

Susan Paradise Baxter, District Judge

Plaintiff initiated the instant action on July 24, 2017. ECF No. 1. On October 31, 2017, Defendants filed Motions to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF Nos. 12, 16. On May 2, 2018, the undersigned, then a United States Magistrate Judge, issued a Report and Recommendation that the Motion to Dismiss filed by Defendant Heffernan (ECF No. 16) be granted and that the Motion to Dismiss filed by the remaining Defendants (ECF No. 12) be granted in part and denied in part. ECF No. 23. Specifically, the Report recommended that all claims and defendants be terminated from this action with the exception of Plaintiff's denial of access to courts claim against Defendant Siegel. No objections to the Report and Recommendation were filed.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was reassigned to this Court's docket on September 18, 2018. ECF No. 24.

In light of the foregoing, it is HEREBY ORDERED that the Report and Recommendation issued on May 2, 2018, is converted into a final Memorandum Opinion. Consistent with the recommendation therein, Defendant Heffernan's Motion to Dismiss is GRANTED and Heffernan is dismissed from this action, with prejudice. The Motion to Dismiss filed by the

remaining Defendants is GRANTED as to Defendants Albertine, Beach, Hughan, Leuthold, Overmyer, Schultz, and Varner, each of whom is dismissed from this action, with prejudice. The Motion to Dismiss is DENIED as to Plaintiff's denial of access to the courts claim against Defendant Siegel.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge

Dated: September 25, 2018